

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

FEDERAL TRADE COMMISSION, et al.

Plaintiffs,

v.

DEERE & COMPANY,

Defendant.

Case No. 3:25-cv-50017

Hon. Iain D. Johnston

DEFENDANT DEERE & COMPANY'S
MOTION FOR JUDGMENT ON THE PLEADINGS

Pursuant to Federal Rule of Civil Procedure 12(c), and for the reasons set forth in the accompanying memorandum of law, Defendant Deere & Company respectfully moves this Court to dismiss without leave to amend Plaintiffs Federal Trade Commission (“FTC”), State of Illinois, State of Arizona, People of Michigan, State of Minnesota, and State of Wisconsin’s (“States” and collectively with FTC, “Plaintiffs”) claims in full on the basis that: (1) Plaintiffs fail to plead the elements of their claims under Section 2 of the Sherman Act and state antitrust laws; (2) the FTC does not plead a claim under Section 5 of the FTC Act; (3) Section 13(b) of the FTC Act is unconstitutional; (4) the States lack Article III standing; and (5) the States’ civil penalties claims are time-barred.

WHEREFORE, Defendant Deere & Company respectfully requests that this Court dismiss the Complaint under Rule 12(c).

Dated: March 17, 2025

Respectfully submitted,

LATHAM & WATKINS LLP

By: /s/ Sean M. Berkowitz

Sean M. Berkowitz (IL Bar No. 6209701)
Gary Feinerman (IL Bar No. 6206906)
LATHAM & WATKINS LLP
330 North Wabash Avenue, Suite 2800
Chicago, IL 60611
Telephone: +1.312.876.7700
Facsimile: +1.312.993.9767
Email: sean.berkowitz@lw.com
gary.feinerman@lw.com

Amanda P. Reeves (*pro hac vice*)
Tara D. Elliott (*pro hac vice*)
Ian R. Conner (*pro hac vice*)
LATHAM & WATKINS LLP
555 Eleventh Street, NW
Suite 1000
Washington, D.C. 20004-1304
Telephone: +1.202.637.2200
Facsimile: +1.202.637.2201
Email: amanda.reeves@lw.com
tara.elliott@lw.com
ian.conner@lw.com

Belinda S Lee (*pro hac vice*)
Meaghan Thomas-Kennedy (*pro hac vice*)
LATHAM & WATKINS LLP
505 Montgomery Street
Suite 2000
San Francisco, CA 94111-6538
Telephone: +1.415.391.0600
Facsimile: +1.415.395.8095
Email: belinda.lee@lw.com
meaghan.thomas-kennedy@lw.com

John M. Majoras (*pro hac vice*)
JONES DAY
51 Louisiana Avenue, N.W.
Washington, DC 20001.2113
Telephone: +1.202.879.3939
Facsimile: +1.202.626.1700
Email: jmmajoras@jonesday.com

Lin W. Kahn (*pro hac vice*)
JONES DAY
555 California Street, 26th Floor
San Francisco, CA 94104
Telephone: +1.415.626.3939
Facsimile: +1.415.875.5700
Email: lkahn@jonesday.com

Tiffany D. Lipscomb-Jackson (*pro hac vice*)
JONES DAY
325 John H. McConnell Boulevard,
Suite 600
Columbus, OH 43215-2673
Telephone: +1.614.469.3939
Facsimile: +1.614.461.4198
Email: tdlipscombjackson@jonesday.com

Corey A. Lee (*pro hac vice*)
JONES DAY
North Point
901 Lakeside Ave E
Cleveland, OH 44114-1190
Telephone: +1.216.586.3939
Facsimile: +1.216.579.0212
Email: calee@jonesday.com

Ryan Thomas (*pro hac vice*)
Lauren Miller Forbes (*pro hac vice*)
JONES DAY
51 Louisiana Avenue, N.W.
Washington, DC 20001.2113
Telephone: +1.202.879.3939
Facsimile: +1.202.626.1700
Email: rcthomas@jonesday.com
lmillerforbes@jonesday.com

Attorneys for Defendant Deere & Company